

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**MARY B. SMITH  
Plaintiff**

**v.**

**CIVIL ACTION NO. 04CV10632MEL**

**DAVID C. NICHOLSON, et al  
Defendants**

**PLAINTIFF'S OPPOSITION TO DEFENDANTS'  
JOINT MOTION FOR SUMMARY JUDGMENT**

Now comes the Plaintiff, Mary B. Smith, and respectfully submits this Opposition to Defendants' Joint Motion for Summary Judgment pursuant to F.R.C.P. Rule 56. The Plaintiff submits the attached Memorandum in Support of her Opposition to Defendants' Joint Motion for Summary Judgment and the attached Exhibit List, identifying the Exhibits and Pleadings the Plaintiff relies on in her Opposition to Defendants Joint Motion for Summary Judgment.

For the reasons stated in the attached Memorandum, the Plaintiff respectfully requests that this honorable Court deny the Defendants Joint Motion for Summary Judgment and schedule this matter for trial.

**Oral Argument  
Not Requested**

**Dated: February 20, 2007**

**The Plaintiff  
By her Attorney,**

**/s/ Alfred J. Smith, Jr.  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) or hand-delivered to the following:

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Dated: February 20, 2007

/s/ Alfred J. Smith, Jr.  
Alfred J. Smith, Jr., Esq.